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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,450	06/18/2001	David L. Halbmaier	2267.421US02	1327

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PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

EXAMINER

PERRIN, JOSEPH L.

ART UNIT

PAPER NUMBER

1746

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/884,450	HALBMAIER, DAVID L.	
	Examiner	Art Unit	
	Joseph L. Perrin, Ph.D.	1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7, 13-16, 18-20, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-7, 13-16 and 18-20 is/are allowed.
- 6) ☒ Claim(s) 23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. In view of applicant's amendment filed 20 February 2004 the status of the application is as follows:

Drawing Objections

The proposed drawing corrections have been approved by the Examiner (repeated here from the Final Office Action).

Applicant is hereby given **ONE MONTH**, or thirty days, whichever is later, from the mailing date of this letter or until the expiration of the period set in the "Notice of Allowance" (PTOL-85) or Notice of Allowability" (PTOL-37 or PTO-37), whichever is longer, to file corrected drawings. Extensions of time are not available under 37 CFR 1.136(a) or 1.136(b).

Claims Objections

The objection of claims 7, 13, and 16, indicated as containing allowable subject matter, are withdrawn in view of Applicant's amendment rewriting claims 7, 13, and 16 into independent form. The claims now appear to be allowable.

The indicated allowability of claims 23 & 24 is withdrawn in view of the newly discovered reference(s) to US 5,313,965 to Palen, and US 3,734,109 to Hebner. Rejections based on the newly cited reference(s) follow.

35 U.S.C. §102(b) and §103(a) Rejections

The rejection of claims 1-6, 10, 14-15 and 18-22 are withdrawn in view of Applicant's amendment rewriting independent claims 1, 10, 21 and 22 as claims 7, 13, 16 and 23-24, previously indicated as containing allowable subject matter, thereby presenting all pending independent claims with previously indicated allowable subject matter.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 06-134411 to Izumi.

Izumi discloses an apparatus with a base portion (1), a first fluidic circuit (tank 2, tank 6, pump 34), a second fluidic circuit (tank 3, tank 5, pump 35), and means for mechanically isolating the first and second fluidic circuits (23-25) (see abstract and Figure 1).

4. Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by US 3,734,109 to Hebner.

Hebner discloses an apparatus with a base portion (10), a first fluidic circuit and second fluidic circuit (pair of spray stations 14), and means for pneumatically isolating the first and second fluidic circuits (16) (see col. 2, line 53 – col. 3, line 7 and Figures 1-2).

Allowable Subject Matter

5. The following is a statement of reasons for the indication of allowable subject matter: The closest prior art of record does not teach or suggest the claimed cleaning apparatus utilizing a base having a third aperture and wafer carrier door holding fixture in contact about the third aperture, a fluid leakage detector disposed in the base, or an ionizer.

6. For at least the foregoing reasons, independent claims 7, 13, and 16 (and subsequently dependent claims 2-6, 14-15, 18-20) are believed to recite patentable subject matter.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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US 5,313,965 to Palen, which discloses a supercritical fluid processing system with pneumatic isolating means.

JP 53-136358 to Hitachi, which discloses a wafer treatment system with mechanical isolating means.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.
10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (571)272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph L. Perrin, Ph.D.
Examiner
Art Unit 1746

jlj


FRANKIE L. STINSON
PRIMARY EXAMINER
GROUP 8400 1700